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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,259	12/22/2003	Jeffrey Dean Lindsay	KCX-736 (18588)	4457
22827	7590	01/24/2006	EXAMINER	
DORITY & MANNING, P.A.			CRAIG, PAULA L	
POST OFFICE BOX 1449			ART UNIT	
GREENVILLE, SC 29602-1449			PAPER NUMBER	

3761

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/743,259	Applicant(s) LINDSAY ET AL.	
	Examiner Paula L. Craig	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-37 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18, 19, 25, 28, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17, 20-24, 26, 27, 29, 30 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 13-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/04 & 2/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

2. Applicant's election without traverse of Group I in the reply filed on December 9, 2005 is acknowledged. Applicant's election with traverse of the election of species is also acknowledged. The traversal is on the ground that Species A and B are generic to Species C, D, and E, and that therefore Species C, D, and E should be subspecies of the elected Species A. Applicant's arguments are not found persuasive as no evidence has been identified showing the species to be obvious variants of one another, nor has Applicant clearly admitted on the record that the species are obvious variants. See the prior Office Action mailed October 19, 2005. The requirement is still deemed proper and is therefore made FINAL.

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3. For purposes of this examination, Species A is considered by the Examiner to include Claims 13-14, 16-17, 20-24, 26-27, 29-30, and 33-37; Species B includes Claims 15 and 28; Species C includes Claims 18 and 31; Species D includes Claims 19 and 32; and Species E includes Claim 25. Claims 15, 18, 19, 25, 28, 31, and 32 are withdrawn from consideration as belonging to a non-elected species.

Claim Objections

4. Claims 13-37 are objected to because of the following informalities: In Claims 1 and 26, the phrase "said direction" or "the direction" lacks antecedent basis. Claims 14, 16-17, 20-24, 27, 29-30, and 33-37 are objected to as dependent on Claims 1 or 26. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 13-14, 16-17, 20, 24, 26-27, 29-30, 33, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,635,798 to Yoshioka et al.

7. For Claim 13, Yoshioka teaches an absorbent garment having a liner, an outer cover, and an absorbent structure positioned between the liner and the outer cover (Figs. 1-2 and col. 2, lines 30-38). An adhesive is positioned between at least two of the liner, the outer cover and the absorbent structure (Fig. 1 and col. 3, lines 29-33). The

adhesive is applied at least partly according to a swirl-like pattern (Figs. 1 and 4). The adhesive pattern changes as a function of distance according to pattern breadth or adhesive dose in weight per area along a direction (note irregularities in pattern, Fig. 4).

8. For Claim 26, Yoshioka teaches an absorbent product including multiple components, with the components including an outer cover and an absorbent structure (Figs. 1-2 and col. 2, lines 30-38). The outer cover includes an exterior surface and an interior surface, with the absorbent structure being located adjacent the interior surface of the outer cover (Fig. 1). An adhesive is positioned between at least two components of the absorbent product (Fig. 1). The adhesive is applied at least partly according to a swirl-like pattern, with the adhesive pattern changing as a function of distance according to pattern breadth along a direction, as stated above for Claim 1 in paragraph 7.

9. For Claims 14 and 27, Yoshioka teaches the swirl-like pattern includes a plurality of loops having a size, with the size of the loops changing as a function of distance (note closed loops shown in Fig. 4; the closed loops vary in size).

10. For Claims 16 and 29, Yoshioka teaches the adhesive being applied in an amount ranging from about 1 gsm to about 100 gsm or about 50 gsm (col. 6, lines 7-14).

11. For Claims 17 and 30, Yoshioka teaches the adhesive pattern alternating between the swirl-like pattern and a continuous bead (swirl-like pattern is closed loops; continuous bead is open loops; see Fig. 4). Note that the continuous bead is not required by the claim to be straight or linear or to extend in any particular direction.

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12. For Claims 20 and 33, Yoshioka teaches the garment being a diaper (col. 2, lines 30-32).

13. For Claims 24 and 37, Yoshioka teaches the continuous bead including a zigzag pattern or a sinewave pattern (Fig. 4 and col. 1, line 66 to col. 2, line 4).

14. Claims 13, 16, and 20-23, 26, 29, and 33-36 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 2004/0127865 A1 to Mitsui et al.

15. For Claim 13, Mitsui teaches an absorbent garment having a liner, an outer cover, and an absorbent structure positioned between the liner and the outer cover (Figs. 1 and 8-11 and paragraph 68). An adhesive is positioned between at least two of the liner, the outer cover, and the absorbent structure (Figs. 1 and 8-11 and paragraphs 67 and 70-71). The adhesive is applied at least partly according to a swirl-like pattern (Figs. 8 and 11). The adhesive pattern changes as a function of distance, with the adhesive pattern changing according to adhesive dose in weight per area along a direction (Fig. 11 and paragraphs 72-74).

16. For Claim 26, Mitsui teaches an absorbent product including multiple components, with the components including an outer cover and an absorbent structure (Figs. 1 and 8-11 and paragraph 68). The outer cover includes an exterior surface and an interior surface, with the absorbent structure being located adjacent the interior surface of the outer cover (Figs. 2-4 and 9-10). An adhesive is positioned between at least two components of the absorbent product (Figs. 2-4 and 9-10). The adhesive is

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applied at least partly according to a swirl-like pattern, with the adhesive pattern changing as a function of distance according to adhesive dose in weight per area along a direction, as stated above for Claim 1 in paragraph 15.

17. For Claims 16 and 29, Mitsui teaches the adhesive being applied in an amount ranging from about 1 gsm to about 100 gsm or 50 gsm (paragraph 14).

18. For Claims 20 and 33, Mitsui teaches the product being a diaper (paragraph 18 and Claim 10).

19. For Claims 21-23 and 34-36, Mitsui teaches the adhesive dose of the adhesive pattern changing as a function of distance, with the weight per unit area of adhesive varying by at least 90% by weight (paragraph 73).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,984,911 to Siebers et al. shows motivation for using a variety of adhesive bead patterns. U.S. Patent No. 4,960,619 to Slautterback et al. and 6,200,635 to Kwok show adhesive loops which vary by density and size. U.S. Patent No. 5,688,218 to Jenkins shows globs of adhesive. U.S. Patent Application Publication 2001/0038039 A1 to Schultz et al. teaches an adhesive application nozzle which varies the tip offset during an application cycle and also switches between swirling and a single uniform adhesive bead on the fly during an application cycle. The remaining prior art references listed on the accompanying Form PTO-892 show the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

